

IN AND FOR THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

DAVID SWARTZ and LINDSEY)
SWARTZ,)
)
)
Plaintiffs,)
)
v.)
)
USAA Casualty Insurance Company,)
a/k/a, the UNITED STATES)
AUTOMOBILE)
ASSOCIATION (USAA) and DEREK)
BOBBY MOATES,)
)
Defendants.)

Case No:
District Judge

CJ-2014-139

Ashwood

FILED
DEC 18 2014
CINDY KIRBY, COURT CLERK
LINCOLN COUNTY, OKLAHOMA

PLAINTIFFS' AMENDED PETITION

COME NOW the Plaintiffs, David Swartz and Lindsey Swartz, and for their cause of action against the Defendants, USAA Casualty Insurance Company, a/k/a, the United States Automobile Association (USAA) and Derek Bobby Moates, allege and state as follows:

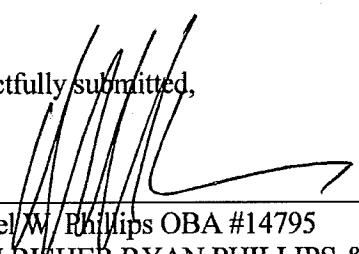
1. On June 26, 2014, Plaintiff, David Swartz, was traveling southbound on county road 3290 when the Defendant, Derek Bobby Moates, who was traveling north bound on county road 3290, crossed over and struck him. Said collision occurred in the County of Lincoln, State of Oklahoma.
2. As a result of the negligence of Derek Bobby Moates, Plaintiffs sustained property damage to their vehicle including damage to property inside the vehicle and loss of use. The vehicle being driven by David Swartz, a 2004 Ford E-150 Van, was a total loss.
3. At the time of the incident, Plaintiffs were insured by USAA, who afforded property damage collision coverage pursuant to Policy Number 00989 21 03C 7105 4.
4. Defendant, USAA, has failed to adhere to the duty of good faith and fair dealing owed

Exhibit

to its insureds, Lindsey and David Swartz. Defendant, USAA, has breached the contractual duty and fiduciary duty owed to Plaintiffs by failing to fairly and reasonably resolve Plaintiffs' property damage claim.

WHEREFORE, premises considered, the Plaintiffs seek judgment against the Defendant, Derek Bobby Moates, in an amount in excess of \$25,000.00 together with interest, costs and attorney fees, and for such other and further relief as this Court may deem just and proper. Plaintiffs seek judgment against Defendant, USAA, for an amount in excess of \$25,000.00 including interest, costs, attorney fees and punitive damages and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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